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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,297	02/27/2004	Hao Xue	51085-6 /slb	6561
89415	7590	04/01/2010	EXAMINER	
Smart & Biggar P.O.Box 2999, Station D 900-55 Metcalfe Street Ottawa, ON K1P 5Y6 CANADA			NGUYEN, TUAN HOANG	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			04/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/787,297	Applicant(s) XUE ET AL.	
	Examiner TUAN H. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 14-17 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 18-22 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/2010 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 25 is rejected under 35 U.S.C. 101 because the claims are directed towards non-statutory subject matter.

4. With respect to claim 25, the claims are not limited to tangible embodiments. The claims recited a computer readable medium. It can be reasonably interpreted that the computer readable medium would include embodiments including propagation media, such as carrier waves, which fail to establish a statutory category of

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invention. Amending the specification as well as the claim to recite "a non-transitory computer readable medium" is believed to be sufficient to overcome this rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 9-12, 18, 20-21 and 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson") in view of Schessel (U.S PAT. 6,418,215).

Consider claims 1 and 10, Ericsson teaches a talk request processing in a do-not-disturb (DnD) capable communication system, comprising: receiving a talk request for a requested walkie-talkie-like (PoC) communications session involving a user device capable of walkie-talkie-like functionality (page 13 paragraph 5.10 Access List management e.g., on the reject list the user maintains users and/or groups from whom the user does not accept to receive instant talk session requests).

Ericsson does not explicitly show that the talk request having a priority associated therewith; and selectively and automatically overriding DnD functionality for

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the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to the priority of the talk request.

In the same field of endeavor, Schessel teaches the talk request having a priority associated therewith (fig. 8c, col. 11 lines 38-67); and selectively and automatically overriding DnD functionality for the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to the priority of the talk request (fig. 8c, col. 11 lines 38-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the talk request having a priority associated therewith; and selectively and automatically overriding DnD functionality for the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to the priority of the talk request, as taught by Schessel, in order for a call processing system that is more flexible in resolving feature interactions, both for the call processing operation and the administration operation.

Consider claim 20, Ericsson teaches a user device capable of walkie-talkie-like functionality for a do-not-disturb (DnD) capable communication system, the user device comprising: an ignoreDnD attribute request generator responsive to said external input adapted to send a network call processing server a request to update the ignoreDnD attribute of the user device (page 17 paragraph 6.2.1.1 Inviting User e.g., the system shall check the inviting user registered (read on update the ignoreDnD), incoming session are not blocked (read on ignoreDnD) for any reason when DnD is active).

Ericsson does not explicitly show that a user interface adapted to accept an external input to modify an ignoreDnD attribute for the user device, the ignoreDnD attribute concerning a priority of a talk request.

In the same field of endeavor, Schessel teaches a user interface adapted to accept an external input to modify an ignoreDnD attribute for the user device, the ignoreDnD attribute concerning a priority of a talk request (fig. 8c, col. 11 lines 38-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a user interface adapted to accept an external input to modify an ignoreDnD attribute for the user device, the ignoreDnD attribute concerning a priority of a talk request, as taught by Schessel, in order for a call processing system that is more flexible in resolving feature interactions, both for the call processing operation and the administration operation.

Consider claims 2, 11, and 21, Ericsson further teaches the user device is a wireless device (page 11 paragraph 5.3).

Consider claim 3, Ericsson further teaches the ignoreDnD attribute comprises an ignoreDnD flag, and wherein selectively overriding said DnD functionality is a function of the ignoreDnD flag (page 13 paragraph 5.10 Access List Management).

Consider claim 4, Schessel further teaches the ignoreDnD attribute comprises at least one predetermined ignore reason value, and wherein selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value

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(fig. 8c, col. 11 lines 38-67).

Consider claims 9 and 18, Ericsson further teaches maintaining the ignoreDnD attribute for a plurality of user devices as a function of inputs received from the user devices (page 17 paragraph 6.2.1.1).

Consider claim 12, Ericsson further teaches the network call function comprises: a data store adapted to store the ignoreDnD attribute for the user device (page 11 paragraph 5.2); a DnD processing function adapted to provide DnD functionality (page 11 paragraph 5.2); and an ignoreDnD processing function adapted to override DnD functionality for the requested communications session as a function of the ignoreDnD attribute stored in the data store for the user device (page 17 paragraph 6.2.1.1).

7. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson") in view of Schessel and further in view of Wolf et al. (U.S. PUB. 2004/0005904 hereinafter, "Wolf").

Consider claims 26 and 27, Ericsson and Schessel, in combination, fails to teach the network call processing function is further adapted to: for said user device associate therewith an access list specifying which other user devices are permitted to reach said

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user device; on overriding said DnD functionality, process the access list to assess whether the talk request should be forwarded to the user device or not.

However, Wolf teaches the network call processing function is further adapted to: for said user device associate therewith an access list specifying which other user devices are permitted to reach said user device (page 2 [0017]); on overriding said DnD functionality, process the access list to assess whether the talk request should be forwarded to the user device or not (page 3 [0021]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Wolf into view of Ericsson and Schessel, in order to provide a wireless communication system that includes an mobile station that is a member of multiple talkgroups provides for a prioritization of the multiple talkgroups.

8. Claims 13, 19, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10) hereinafter, "Ericsson") in view of Schessel and further in view of Griffiths (U.S. PUB. 2002/0186827).

Consider claim 13, Ericsson and Schessel, in combination, fails to teach the ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined ignore reason value, and wherein the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value.

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However, Griffiths teaches the ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined ignore reason value, and wherein the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value (page 6 [0078]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Griffiths into view of Ericsson and Schessel, in order to implement a call administration service, permitting both interactive and automatic denial and routing of calls, under the direction of subscriber provisioning.

Consider claim 19, Griffiths further teaches a talk request processing system in the form of a call processing server (page 9 [0109]).

Consider claim 22, Griffiths further teaches a user interface display for displaying modifications for the ignoreDnD attribute indicated by the external input (page 6 [0075]).

Consider claim 25, Griffiths further teaches a computer readable medium having computer executable instructions stored thereon for execution on a processor (page 9 [0109]).

Reasons for Allowance

9. Claims 5-8, 14-17, and 23 are allowed over the prior art record.

10. The following is an examiner's statement of reasons for allowance:

The applicant's remarks, filed on 08/01/2008, have been carefully reviewed with updated search. Consequently, reasons for allowance of claims 5-8, 14-17, and 23 are set forth in according to the applicant's remarks state on pages 10-15.

Conclusion

11. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
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